

## Case Study #4: Shadow Reports and Government Compliance with International Conventions: Burkina Faso - Michael O. Murphy, Lead Researcher

Adopted from the National Democratic Institute's *Political-Process Monitoring: Considering the Outcomes and How They Can Be Measured*

From 2009 to 2010, NDI provided technical and financial assistance to a coalition of Burkinabe civil society organizations to write and submit a shadow report on the Government of Burkina Faso's implementation of the United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to the Convention's Committee in Geneva. These CSOs saw this as an important initiative for several reasons, including the fact that the Burkinabe government's reporting to the Committee had not been consistent and that there had previously been few opportunities for local CSOs to monitor government compliance with CEDAW. The CEDAW Implementation Monitoring Coalition of Burkina Faso, or the CEDAW Coalition, comprised of 17 Burkinabe CSOs and two quasi-governmental agencies, produced a shadow report and submitted it to the Committee on the occasion of Burkina Faso's sixth periodic review in Geneva. NDI's assistance included training the CEDAW Coalition members on shadow report processes and data collection techniques, as well as providing support on following up on the government's response to the coalition's recommendations. In addition to concrete outcomes, such as the government's adoption of most of the CEDAW Coalition's 53 recommendations, participants identified several other changes. These included an improved understanding within civil society of CEDAW, an increased awareness of the obligations of the Burkinabe government for domestic implementation of the treaty among parliamentarians, and more openness from the Minister for the Advancement of Women to input from CSOs. NDI's program provided the opportunity for likeminded CSOs to collaborate and network as a coalition while building skills in political-process monitoring that would empower women. The process of joining together in a coalition illustrated the benefits of collaboration, which can lead to greater access to information and institutions. However, the coalition partners also learned that political process monitoring is a long-term process that leads to gradual change, rather than immediate improvements in the lives of everyday women.

### Introduction

The UN General Assembly adopted the CEDAW in 1979. CEDAW provides the basis for realizing equality between women and men through ensuring women's equal access to and equal opportunities in political and public life - including the right to vote and to stand for election - as well as education, health and employment. Signatories agree to take all appropriate measures, including legislation and temporary special measures, so that women may enjoy all their human rights and fundamental freedoms.

The CEDAW quadrennial reporting requirements create an opportunity for local CSOs to produce shadow reports. Shadow reporting is a means of monitoring and raising awareness of government compliance with signed international treaties, conventions and declarations by researching and producing a supplemental or alternative report to the national government's official report to an international oversight body.

Countries that have ratified the convention are legally bound to put its provisions into practice. They are also committed to submit national reports every four years outlining measures they

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have taken to comply with their CEDAW obligations.<sup>1</sup> The CEDAW Committee is an independent UN body composed of 23 experts on women's rights that meets three times annually to monitor domestic implementation of the treaty parties. In order to ensure that it is as informed as possible, the committee and the pre-session working group<sup>2</sup> invite representatives of national and international non-governmental organizations (NGOs) to provide country-specific information and analysis.

The government of Burkina Faso signed CEDAW in 1984 and became a full party following its 1987 ratification. While the Burkinabe government is obligated to produce reports that measure progress made toward full CEDAW implementation every four years, their reporting has been inconsistent and CEDAW implementation has been uneven at best. The government submitted the sixth periodic report covering the years 2001-2006 in 2010.

Burkina Faso ranks lower than both Haiti and Afghanistan on the Human Development Index with high rates of illiteracy and limited access to health care and education, particularly for women and girls. There are competing justice systems, including religious, customary, and civil systems, which often result in *de facto* or *de jure* legal restrictions on discriminatory and inhumane practices, such as female genital mutilation, in one system, while the same practices are encouraged by another. According to local women's organizations, the inequalities facing women and girls in Burkina Faso are a major drain on the country's development. Women and girls are discriminated against in health, education and the labor market, all of which negatively affect their participation in community life and politics and inhibits their wealth creation.

In 2009, NDI began providing technical and financial assistance to a coalition of Burkinabe CSOs that came together to prepare a shadow report for the UN CEDAW Committee. The shadow report drafted by the CEDAW Coalition sought to augment the information contained in the Burkina Faso government's sixth periodic report submitted for consideration to the 47<sup>th</sup> Session (October 4-22<sup>nd</sup>, 2010) of the UN CEDAW Committee.

The work of the organizations comprising the monitoring coalition had all focused primarily on women's human rights and political participation throughout Burkina Faso, with the majority of groups headquartered in the capital. Their shadow report focused on articles 1, 4, 7, 8, 10, 12, 13, 15, and 19 of the Convention.<sup>3</sup> Through a systematic, collective process of analyzing the draft government report, debating the government's version, and developing alternative language, the Coalition drafted a shadow report containing 53 recommendations related to advancing CEDAW implementation in Burkina Faso.

In October 2010, four CEDAW Coalition representatives presented the shadow report in Geneva to the CEDAW Committee and advocated for the inclusion of the CEDAW Coalition's

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<sup>1</sup> The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is a human rights treaty that obliges state parties to take necessary steps to promote women's rights. The Convention sets out standards and outlines areas of concern. CEDAW came into force in 1981.

<sup>2</sup> According to the rules of procedure for the Committee on the CEDAW and in accordance with Article 18 the pre-sessional working group meets beforehand in order to formulate questions on the party reports submitted to the committee and forward those questions and issues to the state parties concerned.

<sup>3</sup> These articles of the Convention refer to the definition of discrimination as well as ensuring that women are free from discrimination and that equality is appropriately achieved without further discrimination unless necessary to set equality into motion. The articles set appropriate standards to prevent discrimination against women in education, marriage, maternity, rural development, and in front of law enforcement and the judiciary. Art. 19 sets guidelines for procedure of the CEDAW Committee.

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recommendations in the Committee's Concluding Observations Report to the Burkinabe government. The Committee included 44 of the CEDAW Coalition's 53 recommendations.

*Following the presentation of its shadow report at the 47<sup>th</sup> Session, the CEDAW Coalition, with support from NDI and the International Women's Rights Action Network (IWRAP) held its first roundtable on the status of CEDAW's implementation with Burkinabe political and civic leaders, including the second vice president of the National Assembly.<sup>4</sup>*

During this gathering, the Coalition began conversations with members of parliament and ministerial staff members about how to ensure that national laws reflect the principles and intent of CEDAW. Following the roundtable, an MP who was particularly impressed with the CEDAW Coalition invited them to attend a regional African Inter-Parliamentary Union meeting to discuss potential legislative action concerning violence against women.

To gain a better understanding of what changed as a result of the Burkina Faso shadow reporting process, NDI conducted field research in June 2011. Using outcome mapping and most significant change techniques, the research team conducted a series of key informant interviews and focus groups. This process involved 14 one-on-one interviews with members of the CEDAW Coalition, as well as two focus group discussions: the first including members of the team responsible for writing the shadow report and presenting its recommendations to the CEDAW Committee in Geneva; and the second involving key local NDI staff who provided assistance to the CEDAW Coalition.

The research suggests that the Burkina Faso shadow reporting process contributed to several modest yet potentially significant changes. In addition to raising public awareness about CEDAW, the shadow reporting process opened new, non-confrontational avenues for promoting government accountability on CEDAW implementation. The shadow reporting process brought international attention to both the Burkinabe government's limited implementation of the convention principles and to the CEDAW Committee's previous recommendations made to the Burkinabe government. It also promoted increased engagement between women activists and public officials in Burkina Faso around steps that could be taken to better meet CEDAW obligations.

## Background

With the financial support of the Swedish International Development Cooperation Agency (SIDA), NDI has worked to increase Burkinabe women's political participation as part of a larger effort aimed at poverty reduction and improved governance. In addition to assistance being offered to local councils, the national parliament, and political parties, NDI has also supported CSOs in their efforts to enhance gender equality, promote inclusion, and urge greater local and national level government accountability on issues of particular importance to women.

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<sup>4</sup> International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific) is an international women's human rights organization based in the Global South that works to fill the gap between the promise of women's human rights embodied in human rights treaties and their actual realization at the national level. This involves mobilizing women's groups at all levels to demand accountability from governments on the domestic application of human rights standards. This is done primarily through the lens of CEDAW and other international human rights treaties. Established in 1993, IWRAP Asia Pacific currently works throughout South and Southeast Asia and over 100 countries globally. <<http://www.iwraw-ap.org>>.

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After initial an examination of development needs, potential partners, and political entry points, NDI recognized that shadow reporting might be used to help organize and amplify women's voices, create additional opportunities for women's political participation, and encourage government to focus more on gender equality. To achieve these outcomes, NDI supported the creation of a coalition organized to assess and analyze the government's compliance with its obligations under CEDAW.

Prior to NDI's efforts, CSOs had not collaborated to monitor or influence government compliance with CEDAW. Although the Burkinabe Movement for Human Rights (Mouvement burkinabe pour les droits de l'homme et des peuples or MBDHP) produced a shadow report in 2005, the group did not consult broadly with other CSOs working on gender equality and women's rights issues. The MBDHP also struggled with how to use their shadow report as a way to engage public officials and push for more meaningful CEDAW implementation. This experience helped inform the development of the CEDAW Coalition.

Civil society organizations have a necessary role to play in ensuring CEDAW is implemented. According to IWRAW, "the reporting and review process is most powerful if it is approached as a continuous cycle. The cycle includes [the] State party reporting to the Committee; dialogue between the Committee and the State party; Concluding Observations by the Committee; follow-up by the Committee, the State party, and civil society; and the next report. This cycle will not be effective without NGO monitoring, participation, and informing the general public in the State. It is important to complete the cycle by using the Concluding Observations as a tool for advocacy and lobbying during the years between reviews."<sup>5</sup>

To help enhance the potential impact of the shadow report, NDI provided technical and financial assistance to the coalition. This support focused on increasing the group's capacity to assess and analyze CEDAW implementation in Burkina Faso and then draft a public report. NDI transferred specific skills and political knowledge as it guided the groups through the shadow report process. Some of the critical areas of capacity building included developing the Coalition's:

- understanding of the government of Burkina Faso's obligations under CEDAW;
- understanding of the structure and substance of a shadow report;
- awareness of the steps followed by other CEDAW state parties and civil society organizations when submitting periodic and shadow reports to the UN;
- ability to create an action plan and delineate roles;
- ability to collect and analyze relevant data;
- ability to deliberate findings and draft a shadow report;
- ability to present findings and publicly discuss the report; and
- ability to develop a plan to follow-up on report's recommendations with the Burkinabe government.

*This final point acknowledges that the process of treaty monitoring and reporting sets the stage for the additional action that is required to achieve government support for genuine change. In other words, the shadow report may raise women's rights issues for government consideration,*

<sup>5</sup> <http://www1.umn.edu/humanrts/iwraw/reports.html>

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*but getting the government to act on these issues usually necessitates additional engagement by civil society groups.*

For this reason, in April 2011 NDI provided financial and technical support to help the CEDAW Coalition develop a strategic plan to advocate for the implementation of CEDAW.

### Research Findings

The research undertaken by NDI mapped the outcomes of the shadow reporting process and identified the most significant changes as described by key informants and focus group participants. The qualitative methods provided the researchers the opportunity to ask participants questions related to the situation before and after the shadow report and to ask for specific examples of what changed, why they believed the change occurred, and why the change is significant. Researchers then considered the significance of the change, or lack thereof, in relation to Burkina Faso's political context and the development of citizen voice, political space, and government accountability.

Participants in the interviews and focus groups indicated that the shadow reporting process influenced developments within civil society, the national assembly, and government ministries. The reporting process had a direct influence on the capacities of the CEDAW Coalition's members that seemed to coincide with their level of participation in the analysis, deliberation, and report writing. Before the process, many of the coalition members reported that they had limited knowledge of CEDAW's details or how they could influence government.

CEDAW Coalition members that participated in the focus groups and interviews (i.e., those who were the most involved in the development and writing of the shadow report) agreed that they now had a voice that the government was more likely to acknowledge. They increased their knowledge of CEDAW, learned how to collect and analyze data that reflected the articles of the convention, became better able to interpret the government's sixth periodic report, learned how to write a shadow report and how to present to the CEDAW Committee in Geneva, became familiar with advocacy techniques such as "corridor lobbying<sup>6</sup>," and learned how to conduct roundtable meetings that gained media attention.

Civil society's awareness of CEDAW and the work of the coalition extended beyond the coalition's membership, according to information provided during the focus groups and interviews. The reporting and the roundtable also contributed to helping a broader segment of civil society understand the government's obligations under international treaties and become interested in joining the work of the coalition.

The research also indicated that prior to the work of the shadow report, MPs had limited knowledge of CEDAW and the government's obligations pursuant to the convention. In part, this lack of knowledge prevented MPs from initiating legal measures needed to enforce the

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<sup>6</sup> As the name suggests, this form of lobbying takes place in the corridors, cloakrooms and cafeterias of places where decision makers meet. It is gaining in popularity with civil society organizations who often lack the resources, expertise, or cachet to directly influence the making of decisions but instead rely on the personal impact of strong individual pressure in the corridors.

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provisions of the convention. In fact, many respondents believed that MPs were unaware that Burkina Faso had signed and ratified CEDAW. This changed after the coalition held a roundtable meeting on their shadow report following the Geneva meeting in December 2010. The CEDAW Coalition invited MPs, government officials with line responsibilities for the implementation of CEDAW, locally elected representatives, religious leaders, and members of civil society to attend a session where they provided an overview of their shadow report findings, as well as recommendations contained in the CEDAW Committee's Concluding Observations to the government's sixth Periodic Report. The CEDAW Coalition members also provided suggestions to MPs and government officials about how to ensure that national laws are in compliance with the principles and intent of CEDAW. Focus groups participants and interviewees believed that MPs would now be more interested in following-up on the suggestions partially because they are now aware that CEDAW is binding on all branches of government.

The coalition members also viewed the roundtable as a mechanism through which they increased the knowledge of the Minister for the Advancement of Women and the Minister's openness to input from the Coalition.<sup>7</sup> This translated into increased attention by the Minister to the opinions of CSOs on issues related to CEDAW and improved attitudes on behalf of ministry staff toward coalition members.

### Considering the Outcomes of the Shadow Report

According to CEDAW Coalition members and NDI local staff, the most significant changes culminating from the shadow reporting process included:

1. Increased civil society's understanding of CEDAW principles, processes, and priorities as a means of aligning support for reform; and
2. Greater understanding by elected leaders to the government's CEDAW obligations and civil society's interest in the issues as a means of gaining the ear of policymakers.

The reason that research participants viewed these changes as most significant is because in combination the two create a modest new force for pushing government on CEDAW implementation. Amongst focus group participants, there was widespread agreement that:

- government is now aware that civil society has both the capacity and intent to monitor CEDAW implementation;
- women have become more assertive with government;
- government has agreed to consider a review of the Code of Individuals and Families to bring it more in line with CEDAW Committee recommendations; and
- Burkinabe parliamentarians have committed to review the laws related to violence against women as related to the state's obligations under CEDAW.

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<sup>7</sup> The CEDAW Coalition participants' comments refer to Minister Céline Yoda, who was Minister for the Advancement of Women from 2007 to April 2011. A new government was appointed on April 21, 2011, which included the new Minister for the Advancement of Women, former NDI staff member Nestorine Sangaré.

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While acknowledging that the shadow reporting process did lead to some change in the way they now work in coalition in issues of common concern, the language used by interviewees and focus group is best expressed as cautious. For example, they qualified their responses with language such as “slightly better” and “somewhat improved”. This seemed to reflect a realistic approach about what could be achieved, as well as some skepticism in believing that civil society could drive significant change. Some said that the shadow report’s full effects were ongoing and that it was too soon to tell what would really result. Nonetheless, most participants expressed some level of optimism that awareness among stakeholders had changed and that these changes, however modest, could be categorized as positive.

NDI staff involved directly in the shadow report program also reported that the work of the coalition had generated interest within the donor community. For example, the UN Development Programme (UNDP) invited the coalition to submit a proposal to continue their CEDAW monitoring work. Also, following the coalition’s report, other women’s organizations in Burkina Faso are now expressing interest in getting involved in monitoring the government’s compliance with the Convention.

It is also necessary to highlight a few of the deficiencies with the shadow reporting process that, according to the research respondents, may be attributed to the short time frame involved in its preparation and the unevenness of the coalition’s reach throughout Burkina Faso. Many Burkinabe organizations do not have access to the most vulnerable women in rural areas who are the most likely to experience multiple forms of systemic discrimination. Article 14 of CEDAW refers specifically to rural women, but this article was not addressed in the coalition’s shadow report. One of the interviewees who represented disabled women reported that there was no attention paid to her constituency, whom she referred to as the “most vulnerable of the vulnerable”. The Coalition’s writing committee was made up of professional associations, such as the Association of Burkinabe Women Jurists (*Association des femmes juristes du Burkina Faso*, AFJB), and all of the organizations were based in the capital, Ouagadougou. This configuration may have resulted on the lack of focus on rural women and disability issues.

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### Concluding Remarks

In many ways, the shadow report process provided an opportunity for a coalition of like-minded organizations focused on human and women's rights to constructively critique the Burkinabe government on its implementation of CEDAW. Whether this experience leads to sustainable improvements in women's rights and gender equality is yet to be seen. At the time of the research, however, there did seem to be a level of government openness and a motivated CSO coalition eager to continue pushing for CEDAW implementation. The coalition perceives itself to have a stronger voice and more space to hold government accountable to CEDAW commitments following their production of the shadow report. Beyond the CEDAW shadow report project, Coalition members continue to work together to promote a variety of issues of common concern. The networking skills built during the shadow report development process have become a valuable tool for pushing forward local partner organizations agendas for change.

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**TABLE: BURKINA FASO SHADOW REPORT PPM, MOST SIGNIFICANT OUTCOMES AND ACTIVITIES (based on discussion participants' responses)**

Engaged by PPM			External to the Program		
Directly Influenced	Most Significant Outcomes Attributed to PPM Program Engagement	CEDAW Coalition's PPM activities	Group	Most Significant Impacts Attributed to PPM Activities	PPM most significant activities
<p><b>CSOs/civil society</b> <i>(as perceived by CSOs that participated in group discussion)</i></p>	<ul style="list-style-type: none"> <li>Participating CSOs felt a stronger presence as a coalition</li> <li>Participating CSOs are able to translate and promote CEDAW to more citizens through radio programs</li> <li>Participating Coalition members are equipped with more skills used to dissect, criticize, and discuss legislation</li> <li>Participating Coalition members are encouraged to monitor government processes regularly versus only in urgent situations</li> <li>Participating CSOs inform greater sections of civil society of the process</li> <li>Participating CSOs incorporate monitoring initiatives into other legislative processes</li> <li>Participating Coalition members apply PPM skills to pressure government to implement the 2006 Optional Protocol</li> <li>Participating CSOs increase collaboration and knowledge sharing</li> <li>The Code of Individuals and Families is translated by Coalition member AFJB to increase outreach to more populations</li> <li>Participating CSOs have active ownership of the shadow report process</li> </ul>	<p><b>Review CEDAW recommendation process</b></p> <p><b>Shadow report training</b></p> <p><b>Training on data collection</b></p> <p><b>Self-assessments on capacity</b></p> <p><b>Strategic planning</b></p> <p><b>Citizen questionnaires</b></p> <p><b>Government information requests</b></p> <p><b>Internal reporting</b></p> <p><b>Shadow report presentation</b></p>	<p><b>Civil Society as a Whole</b></p>	<ul style="list-style-type: none"> <li>Citizens are able to analyze gender equalities and engage in advocacy with local government</li> <li>Collaborations between government and civil society are increasing</li> <li>Citizens can more readily recognize CEDAW issues</li> <li>Citizens are motivated to address CEDAW issues publicly</li> <li>The government is aware of civil society monitoring</li> <li>The government is more open to conversations on concerns with civil society</li> </ul>	<p><b>Internal reporting</b></p> <p><b>Citizen questionnaires</b></p> <p><b>Outreach</b></p> <p><b>Shadow report pre-sentation</b></p>

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		<b>Roundtable</b>			
<p><b>Minister for the Advancement of Women and Ministry Staff</b>  <i>(as perceived by CSOs that participated in group discussion)</i></p>	<ul style="list-style-type: none"> <li>• Senior government agencies follow the recommendations of the shadow report and increase women's presence</li> <li>• The government is considering a review of the Code of Individuals and Families based on coalition recommendations</li> <li>• The government is aware of the need for more regular and accurate reporting</li> <li>• The government is aware of CSO skill building in monitoring</li> </ul>		<b>CEDAW</b>	<ul style="list-style-type: none"> <li>• Shadow Report recommendations are acknowledged in legislation</li> <li>• Citizens utilize the findings of the shadow report to petition the government</li> <li>• Shadow Report is used to establish government report contradictions</li> <li>• Coalition members are trained on the details of the CEDAW</li> <li>• Coalition members can speak about the CEDAW in</li> </ul>	

				local languages • Coalition members learned how to write a shadow report	
<b>Members of Parliament</b> <i>(as perceived by CSOs that participated in group discussion)</i>	<ul style="list-style-type: none"> <li>• There is an increase in commitments to review laws concerning violence against women</li> <li>• Magistrates apply lessons learned from the CEDAW shadow report to domestic work</li> <li>• MPs are aware of CSO monitoring efforts</li> <li>• The government is aware of the Shadow Report's presentation to international actors in Geneva</li> <li>• There is greater recognition of gender equality issues</li> </ul>		<b>National Assembly</b>		
			<b>Political parties</b>	Party members introduce policy initiatives that address women	
<b>Additional Impacts of the PPM program</b>					
<b>Media</b>	<ul style="list-style-type: none"> <li>• Participating CSOs now have a strong relationship with the media based on the shadow report</li> </ul>				
<b>Women</b>	<ul style="list-style-type: none"> <li>• Women's issues are taken into consideration within recommendations to the government</li> <li>• Women engage local authorities on issues of particular concern to them</li> </ul>				

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<b>Youth</b>	• Youth voice was heard in the process				
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